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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,820	01/26/2004	Michael R. Rice	008092	6886
41161	7590	12/19/2005		
DUGAN & DUGAN, PC 55 SOUTH BROADWAY TARRYTOWN, NY 10591			EXAMINER GREENHUT, CHARLES N	
			ART UNIT	PAPER NUMBER
			3652	
DATE MAILED: 12/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,820

Applicant(s)

RICE ET AL.

Examiner

Charles N. Greenhut

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/19/05 (3), 4/13/04 (1), 5/12/04, 3/27/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

I. Information Disclosure Statement

1. Reference US 2002/0090282 A1 on the IDS dated 4/13/04 should have been listed under the section entitled US patent documents. It has been lined through on form 1449 and cited on the attached form 892.

II. Claim Rejections - 35 USC § 112

The following is a quotation from the relevant paragraphs of 35 U.S.C. 112:

(2) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 18-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1.1. Claim 18 recites the limitation “blades of the overhead transfer flange” in line 2-3.

There is insufficient antecedent basis for this limitation in the claim.

III. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim(s) 1, 2, 4-15, 17-19, 21-26, and 28 is/are rejected under 35 U.S.C. 102(b) as being anticipated by BONORA (US 5,788,458 A)

1.1. With respect to claim 1, BONORA discloses a flange having a first side opposite a wider second side. (e.g., top surface of 106)

- 1.2. With respect to claim 2, BONORA additionally discloses a third and fourth side extending from the first to second side.
- 1.3. With respect to claim 4, BONORA additionally discloses an engagement feature (130).
- 1.4. With respect to claim 5, BONORA additionally discloses blades (130).
- 1.5. With respect to claim 6, BONORA additionally discloses blunted blades.
- 1.6. With respect to claim 7, BONORA additionally discloses a radiused edge.
- 1.7. With respect to claim 8, BONORA additionally discloses the third and forth side angled to mate with the support (Fig. 4A).
- 1.8. With respect to claim 9, BONORA discloses a flange having a first side opposite a wider second side. (e.g., top surface of 106)
- 1.9. With respect to claim 10, BONORA additionally discloses a third and fourth side extending from the first to second side.
- 1.10. With respect to claim 11, BONORA additionally discloses an engagement feature (130).
- 1.11. With respect to claim 12, BONORA additionally discloses blades (130).
- 1.12. With respect to claim 13, BONORA additionally discloses the third and forth side angled to mate with the support (Fig. 4A).
- 1.13. With respect to claim 14, BONORA discloses a support having a first side opposite a wider second side. (e.g., via rotation about 138)
- 1.14. With respect to claim 15, BONORA additionally discloses a third and fourth side extending from the first to second side.

- 1.15. With respect to claim 17, BONORA additionally discloses a supporting feature (130).
- 1.16. With respect to claim 18, BONORA additionally discloses channels (136).
- 1.17. With respect to claim 19, BONORA additionally discloses the third and forth side angled to mate with the flange (Fig. 4A).
- 1.18. With respect to claim 21, BONORA additionally discloses the support adapted to couple to an overhead conveyor.
- 1.19. With respect to claim 22, BONORA additionally discloses the support adapted to couple to a storage shelf
- 1.20. With respect to claim 23, BONORA additionally discloses the support adapted to support a substrate carrier during docking or undocking.
- 1.21. With respect to claim 24, BONORA discloses a substrate carrier having a body (106) an overhead flange coupled to the carrier (top of 106), first side, second side opposite first and wider than first side, support (116b), first side, second side opposite first and wider than first side (e.g., via rotation about 138), and coupling (Fig. 4A).
- 1.22. With respect to claim 25, BONORA additionally discloses raising and lowering the support (Fig. 3A-B).
- 1.23. With respect to claim 26, BONORA additionally discloses an overlapping footprint (Fig. 4A).
- 1.24. With respect to claim 28, BONORA additionally discloses coupled to a storage shelf (142).

IV. Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 3, 16, 20 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over BONORA in view of GRUBER (DE 37 03 609 A1).

1.1. With respect to claim 3, 16 and 20 BONORA fails to teach an angle of about 60 degrees. GRUBER teaches an angle of about 60 degrees (Fig. 1). It would have been obvious to one of ordinary skill in the art to modify BONORA with the angle of GRUBER in order to facilitate alignment and connection of the flange with the support.

2. Claim(s) 27 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over BONORA in view of AMBERG (US 3,885,825 A).

2.1. With respect to claim 27, BONORA fails to teach the support coupled to an overhead conveyor. AMBERG teaches a support (54) coupled to an overhead conveyor (64). It would have been obvious to one of ordinary skill in the art to modify BONORA with the overhead conveyor of AMBERG in order to transfer the cassette to an alternate location.


V. Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.
3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG



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